



IT IS ORDERED as set forth below:

Date: May 1, 2017

Wendy L. Hagenau

**Wendy L. Hagenau
U.S. Bankruptcy Court Judge**

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

In re:)	Chapter 11
)	
BAY CIRCLE PROPERTIES, LLC, <i>et al.</i> ¹)	Case No.: 15-58440-wlh
)	(Jointly Administered)
Debtors.)	
)	
BAY CIRCLE PROPERTIES, LLC,)	
DCT SYSTEMS GROUP, LLC,)	
SUGARLOAF CENTRE, LLC,)	
NILHAN DEVELOPERS, LLC,)	
and NRCT, LLC,)	
)	
Movants,)	
)	
v.)	
)	
BAY POINT CAPITAL PARTNERS, LP,)	
)	
Respondent.)	

¹ The Debtors and the last four digits of their respective taxpayer identification numbers are Bay Circle Properties, LLC (1578), DCT Systems Group, LLC (6978), Sugarloaf Centre, LLC (2467), Nilhan Developers, LLC (6335), and NRCT, LLC (1649).

**ORDER ON DEBTORS' MOTION TO DETERMINE
CLAIMS OF BAY POINT CAPITAL PARTNERS LP**

On March 24, 2017, Debtors filed their “Motion to Determine Claim of Bay Point Capital Partners, LP” (“Motion”) [Doc. No. 625]. The Motion was scheduled for hearing on April 18, 2017. After filing the Motion, the case was referred to mediation before another bankruptcy judge of this district, the Honorable Paul Bonapfel. After conducting a mediation and having subsequent discussions and negotiations, the parties reached an agreement fixing the amount of the claim of Bay Point Capital Partners LP (“BPCP”) claim. Therefore, upon consent of the parties, it is hereby

ORDERED, ADJUDGED, AND DECREED that the total amount of BPCP’s claim [Proof of Claim No. 6; Doc. No. 302] in this case is fixed in the total amount of \$9,934,445.58² as of April 30, 2017 (the “Total Monetary Obligation”). Such amount shall be adjusted downward at the per diem rate of \$1,095.73 if paid off earlier than April 30, 2017, and increased at the per diem rate of \$1,643.60 if not paid off by April 30, 2017.

In connection herewith and to induce Lender into compromising its claims in order to determine the Total Monetary Obligation, the Court acknowledges that each Loan

² BPCP took title to certain of Debtors’ property through a credit bid at a sale pursuant to 11 U.S.C. § 363. The order approving the sale is the subject of a pending appeal, See Case No. 1:17-cv-00740-RWS, United States District Court for the Northern District of Georgia (the “Appeal”). Nothing herein shall impact the parties’ rights and obligations in relation to the Appeal, specifically including the parties’ rights in the event the Appeal is granted and the previously approved sale is reversed.

Party,³ as evidenced by the signature of their counsel below, for itself and its successors and assigns, hereby releases, waives, acquits, and forever discharges Lender, and all officers, members, managers, affiliates, participants, directors, agents, employees, attorneys, successors, and assigns of Lender, from any and all liabilities, claims, causes of action, demands, defenses, counterclaims, or recoupments of any kind or nature (if there be any), whether absolute or contingent, disputed or undisputed, at law or in equity, or known or unknown, that such Loan Party now has, or has ever had against Lender arising under or in connection with the Loans, any of the Loan Documents, the Documents, the Bankruptcy Cases, the Settlement Agreement, or otherwise. Each Loan Party represents and warrants to Lender that such Loan Party has not transferred or assigned to any Person any claim that such Loan Party ever had or claimed to have against Lender.

END OF ORDER

Prepared and Agreed to by:

/s/ John A. Christy
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³ Capitalized terms not defined herein shall have the meaning given to such terms in the Settlement Agreement approved by this Court on January 13, 2016 [Doc. No. 302].

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DISTRIBUTION LIST

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